UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,378	06/08/2001	Michael Nelson	Vmware 10	2444

			EXAMINER
7590	02/16/2005		TRUONG, LECHI

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ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/877,378	MICHEAL NELSON
	Examiner	Art Unit	
	LeChi Truong	2126	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *4-11,13-20,25-27,30-32,34-40,44 and 45*.

   Claim(s) objected to: *NONE*.

   Claim(s) rejected: *1-3,12,21-24,28,29,33 and 41-43*.

   Claim(s) withdrawn from consideration: *NONE*.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____.

MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because:

1.Applicant amendment filed on 02/03/2005 has been considered but they are not persuasive.

2.In the remarks, applicant argued in substance:

(1) " Sato, no software module that initializes the computer (presumably, the control program PC)".

(2) "Sato that there would ever be a complete context switch away from the control program".

(3) " Sato does not teach any form of kernel " substantially displacing COS from the system level and itself running at the system level... including scheduling execution of the COS on the hardware processors".

(4) " having a separate kernel running on a dedicated processor".

2.   Examiner respectfully traversed Applicant' s remarks:

As to the point (1), Bonola teaches the host operating system 26 is loaded from the storage device 22 into the system memory 26 at boot time (col 5, ln 1-7).

As to the point (2), "a complete context switch away from the control program" was not in the claim.

As to the point (3), Sato teaches itself running at the system level (an extended control register of the hardware 22 is controlled by the supervisor operating system, col 2, ln 31-35/ fig. 1), substantially displacing COS from the system level ... including scheduling execution of the COS on the hardware processors (the first operating system being provided with access to said first control registers by the supervisory operating system; the supervisory operating system writing a first value in the register indication bit of said extended control register when the first operating system run, col 3, ln 57-61 / ln 65-67 to col 4, ln 1-2/ col 2, ln 34-40/ ln 49-ln 50-51 / ln 55-58 and abstrac ln 8-13). Since the supervisor operating system schedules and controls the first and second operating system to access to the register of the hardware 22, the supervisor operating system displace the operating system from the system level and schedule execution of the operating system on the hardware processor (Fig. 1). Bonola also teaches itself running at the system level(loaded the real-time operating system may be excuted on the I/O processor prior to the host operating system, col 9, ln 40-43).

As to the point 4, having or not having a separate kernel running on a dedicated processor was not in the claim.